

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GABRIEL J. BRADWAY,

Plaintiff,

v.

DR. YASHODARA RAO,

Defendant.

No. 2: 21-cv-0059 KJN P

ORDER AND FINDINGS AND
RECOMMENDATIONS

Plaintiff is a state prisoner, proceeding pro se. On January 12, 2021, defendant removed this action to this court from the San Joaquin County Superior Court.

The court's own records reveal that on June 12, 2020, plaintiff filed a first amended complaint in 2:20-cv-436 JAM KJM P containing virtually identical allegations.¹ Due to the duplicative nature of the present action, the court will recommend that the complaint be dismissed.

Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court is directed to assign a district judge to this case; and

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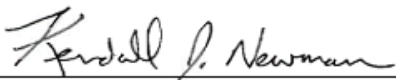
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¹ A court may take judicial notice of court records. See MGIC Indem. Co. v. Weisman, 803 F.2d 500, 505 (9th Cir. 1986); United States v. Wilson, 631 F.2d 118, 119 (9th Cir. 1980).

1 IT IS RECOMMENDED that this action be dismissed without prejudice. See Fed. R. Civ.
2 P. 41(b).

3 These findings and recommendations are submitted to the District Judge assigned to this
4 case pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served
5 with these findings and recommendations, plaintiff may file written objections with the court.
6 The document should be captioned “Objections to Magistrate Judge’s Findings and
7 Recommendations.” Plaintiff is advised that failure to file objections within the specified time
8 may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th
9 Cir. 1991).

10 Dated: January 22, 2021

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12 KENDALL J. NEWMAN
13 UNITED STATES MAGISTRATE JUDGE

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